

epilepsy, or similar ailments that may suddenly incapacitate the employee, shall be permitted to operate a crane, winch or other power-operated cargo handling apparatus or a power-operated vehicle.

NOTE TO PARAGRAPH (A)(2): OSHA is defining suddenly incapacitating medical ailments consistent with the Americans with Disabilities Act (ADA), 42 U.S.C. 12101 (1990). Therefore, employers who act in accordance with the employment provisions (Title I) of the ADA (42 U.S.C. 12111-12117), the regulations implementing Title I (29 CFR part 1630), and the Technical Assistance Manual for Title I issued by the Equal Employment Opportunity Commission (Publication number: EEOC-M1A), will be considered as being in compliance with this paragraph.

(b) *Supervisory accident prevention proficiency.* (1) By July 16, 1999, each immediate supervisor of a cargo handling operation of more than five persons shall satisfactorily complete a course in accident prevention.

(2) Each employee newly assigned to supervisory duties after that date shall be required to meet the provisions of this paragraph within 90 days of such assignment.

(3) The accident prevention course shall consist of instruction suited to the particular operations involved.¹³

§ 1918.99 Retention of DOT markings, placards and labels.

(a) Any employer who receives a package of hazardous material that is required to be marked, labeled or placarded in accordance with the U.S. Department of Transportation's Hazardous Materials Regulations (49 CFR parts 171 through 180) shall retain those markings, labels and placards on the package until the packaging is sufficiently cleaned of residues and purged of vapors to remove any potential hazards.

¹³The following are recommended topics: Safety responsibility and authority; elements of accidents prevention; attitudes, leadership and motivation; hazards of longshoring, including peculiar local circumstances; hazard identification and elimination; applicable regulations; and accident investigations.

(b) Any employer who receives a freight container, rail freight car, motor vehicle, or transport vehicle that is required to be marked or placarded in accordance with the Hazardous Materials Regulations shall retain those markings and placards on the freight container, rail freight car, motor vehicle or transport vehicle until the hazardous materials that require the marking or placarding are sufficiently removed to prevent any potential hazards.

(c) Markings, placards and labels shall be maintained in a manner that ensures that they are readily visible.

(d) For non-bulk packages that will not be reshipped, the provisions of the section are met if a label or other acceptable marking is affixed in accordance with OSHA's Hazard Communication Standard (29 CFR 1910.1200).

(e) For the purposes of this section, the term "hazardous material" has the same definition as in the Hazardous Materials Regulations (49 CFR parts 171 through 180).

§ 1918.100 Emergency action plans.

(a) *Scope and application.* This section requires all employers to develop and implement an emergency action plan.¹⁴ The emergency action plan shall be in writing (except as provided in the last sentence of paragraph (e)(iii) of this section) and shall cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.

(b) *Elements.* The following elements, at a minimum, shall be included in the plan:

(1) Emergency escape procedures and emergency escape route assignments;

(2) Procedures to be followed by employees who remain to operate critical operations before they evacuate;

(3) Procedures to account for all employees after emergency evacuation has been completed;

(4) Rescue and medical duties for those employees who are to perform them;

¹⁴When an employer directs his employees to respond to an emergency that is beyond the scope of the Emergency Action Plan developed in accordance with this section § 1910.120(q) shall apply.